

Serial No. 10/538,153  
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REMARKS

Applicants have canceled claims 14 and 15. Claims 16, 19 - 21, 25 and 26 have been amended. Thus, claims 16 - 26 are presented for examination. Applicants respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Response To Rejections Under Section 101:

The Examiner has rejected all pending claims under 35 U.S.C § 101 contending that the claimed invention is directed to non-statutory subject matter. The Applicants have amended independent claims 16, 21 and 26 to provide a tangible result of generating an error signal by the control unit to help monitor the control element. Applicants respectfully request reconsideration of the section 101 rejection for claims 16 - 26.

Request for allowance of claims 16 - 20

In the Office Action, the Examiner indicated that Claim 16 contained patentable subject matter and would be allowable if rewritten in independent form to include the limitations of the based claim and any intervening claims. Claim 16 has been rewritten in such a manner. In view of the amendment to claim 16, as well as claims 17 - 20 which depend from claim 16, Applicants respectfully submit that claims 16 - 20 are in condition for allowance and request allowance of claims 16 - 20.

Request for allowance of claims 21 - 25

In the Office Action, the Examiner indicated that Claim 21 contained patentable subject matter and would be allowable if rewritten in independent form to include the limitations of the based claim and any intervening claims. Claim 21 has been rewritten in such a manner. In view of the amendment to claim 21, as well as claims 22 - 25 which depend from claim 21, Applicants respectfully submit that claims 21 - 25 are in condition for allowance and request allowance of claims 21 - 25.

Response To Rejections Under Section 102:

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Claim 26 stands rejected under 35 U.S.C. § 102(e), as being anticipated by Bayerle et al. (USPN 6,973,777). Applicants have amended claim 26 to include the combination of a device for monitoring a control unit of an internal combustion engine, comprising: a plurality of sensors that generate measured variables, wherein the variables characterize an output parameter of a lambda regulation system; and a monitoring unit that accesses the measured variables and monitors the variables for a deviation from a predefined threshold value and detects an error of a control element that determines the air mass in a cylinder of the engine as a function of the deviation wherein the deviation of the value of the output parameter is compared with a predefined desired value of the output parameter, the deviation is summed, an error is detected if the summed deviation exceeds a predefined threshold value and an error signal is generated by the control unit. Bayerle et al does not disclose summing the deviation of the output parameter as claimed in amended claim 26. In light of the amendment to claim 26 Applicants respectfully submit that claim 26 is in condition for allowance of claims 26.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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